

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 38

AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 5-22-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. "Consolidated purchase" means the purchase of multiple supplies or services from one (1) vendor.**

SECTION 2. IC 5-22-2-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.7. "Committee" refers to the committee for the purchase of products and services established under IC 16-32-2-2.**

SECTION 3. IC 5-22-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) This section applies to a governmental body not covered by section 2 of this chapter.**

**(b) A governmental body shall purchase supplies and services without advertising or calling for bids from a qualified agency under the same conditions as supplies produced by the department of correction are purchased under IC 5-22-11.**

**(c) Except as provided in subsection (d), before a purchasing agent issues a solicitation for supplies or services, the purchasing agent shall do either of the following:**

**(1) Obtain a written determination within seven (7) business days from:**

**(A) the committee; or**



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**(B) a person designated by the committee;  
that no qualified agency can provide the supplies or services.  
(2) Certify that the supplies or services offered by a qualified  
agency cannot be obtained as required in section 5 of this  
chapter.**

**(d) If a purchasing agent issues a solicitation for a consolidated  
purchase of supplies or services, or both, the purchasing agent  
shall do either of the following:**

**(1) Require vendors to purchase:**

**(A) supplies;**

**(B) services; or**

**(C) both supplies and services;**

**from a catalog of a qualified agency kept by the committee.**

**(2) Establish scoring standards to ensure participation in the  
solicitation by a qualified agency.**

**SECTION 4. IC 5-22-13-5 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Supplies and  
services purchased under this chapter must:**

**(1) meet the specifications and needs of the purchasing  
governmental body; and**

**(2) be purchased at a fair market price as described under  
subsection (b).**

**(b) A fair market price under this section must cover for the  
qualified agency the costs of raw materials, labor, overhead, and  
delivery cost. In determining the fair market price, the purchasing  
agent shall use one (1) or more of the following:**

**(1) Available information from reliable market sources.**

**(2) A market survey from a person designated by the  
committee.**

**(3) Previous contract prices.**

**(4) The range of bids from the most recent solicitation,  
including a determination of:**

**(A) the median price of the bids;**

**(B) the average price of the bids; and**

**(C) any market conditions or specifications that have  
changed since the most recent solicitation.**

**SECTION 5. IC 16-32-2-7 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The committee shall  
do the following:**

**(1) Request from any agency of the state or any unit of local  
government information concerning product specification and  
service requirements to enable the committee to carry out the**

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intent of this chapter. The requested information shall be furnished to the executive secretary of the committee.

(2) Meet as often as necessary to carry out the purposes of this chapter. However, the committee shall meet at least quarterly.

(3) Request from each participating qualified nonprofit agency for persons with severe disabilities a quarterly report that describes **employment data and** the volume of sales for each product or service sold under this chapter. **These reports shall be made available to the Indiana department of administration.**

(4) Establish the price for all products and services provided by persons with severe disabilities and offered for sale to state agencies and units of local government under IC 5-22-13 that the committee determines are suitable for use. The price fixed must recover for the qualified nonprofit agency for persons with severe disabilities the cost of raw materials, labor, overhead, and delivery cost. The committee shall periodically revise the prices in accordance with changing cost factors and adopt necessary rules regarding specifications, time of delivery, and fair market price.

(5) Approve and prepare a publication that lists all products and services available from any qualified nonprofit agency for persons with severe disabilities that the committee determines are suitable for procurement. The procurement list and revisions of the procurement list shall be distributed to all purchasing officers of state agencies and units of local government for purchase under IC 5-22-13.

(6) Encourage diversity in products and services provided by qualified nonprofit agencies for persons with severe disabilities and discourage unnecessary duplication or competition between facilities.

**(7) Update the state use catalog not less than every ninety (90) days starting January 1 of each year. The web based electronic version shall be considered the catalog of record.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

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